

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                       |   |          |
|---------------------------------------|---|----------|
| APPLICATION OF EVANSVILLE MSA LIMITED | ) |          |
| PARTNERSHIP FOR THE ISSUANCE OF A     | ) |          |
| CERTIFICATE OF PUBLIC CONVENIENCE AND | ) |          |
| NECESSITY TO CONSTRUCT A NEW CELL     | ) | CASE NO. |
| FACILITY FOR ITS DOMESTIC PUBLIC      | ) | 89-297   |
| CELLULAR RADIO TELECOMMUNICATIONS     | ) |          |
| SERVICE IN THE OWENSBORO, KENTUCKY    | ) |          |
| METROPOLITAN STATISTICAL AREA         | ) |          |

O R D E R

On October 13, 1989, Evansville MSA Limited Partnership ("Evansville") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate an additional cellular radio telecommunications antenna tower in the Owensboro, Kentucky Metropolitan Statistical Area ("MSA"). The Commission previously granted Evansville authority to construct a cellular antenna in Owensboro, Kentucky, and to provide cellular telephone services to the Kentucky portion of the Owensboro MSA.<sup>1</sup>

The proposed cell facility is designed to improve Evansville's existing service in the Owensboro MSA. The proposed

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<sup>1</sup> Case No. 10243, The Application of Evansville MSA Limited Partnership for the Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to the Public in Daviess County, Kentucky; Order dated December 9, 1988.

cell facility consists of a 198 foot antenna to be located at 1539 Norris Avenue, also known as 1522 Leitchfield Road, in Owensboro, Kentucky.

The construction cost is estimated to be \$600,000 and the annual operating cost will be approximately \$175,000. The construction cost will be financed through revenue generated by operating the cellular system and capital contributions from partners. Evansville will not incur debt or issue stock to finance the proposed construction.

On November 20, 1989, the Commission ordered Evansville to give notice of the proposed tower site location to each resident and property owner within 500 feet of the proposed site. The notice solicited comments from the residents and property owners and further provide information on the procedures to intervene in this case.

On March 2, 1990, Evansville filed an affidavit and certificate that written notification had been sent to every tenant, resident, and/or landowner whose dwelling or property lies within 500 feet of the proposed tower site. Evansville also provided the names and addresses of 215 individuals who were served with the required notice and a map of the cell site.

The Commission received eight written comments from individuals who reside or own property in the vicinity of the proposed cell site. These individuals expressed concern regarding the potential for antenna interference with their telephone/television reception, safety of the antenna and property

devaluation. On May 16, 1990, Evansville filed a response addressing the issues raised by the comments.

The Commission scheduled a public hearing for June 21, 1990. Evansville was required to publish notice of the hearing pursuant to 807 KAR 5:011, Section 8(5), and to mail notice of the hearing to each individual who filed comments with the Commission. On June 21, 1990, Evansville filed evidence to document its compliance with the Commission's notice requirements. No member of the public moved to intervene in this case or appeared at the hearing.

Evansville presented expert testimony at the hearing on the construction of its tower, safety measures, and antenna design criteria. The tower design and construction will conform to all standard engineering codes. In the event of an earthquake, high winds, or a tornado, the tower will be the last building to fall. Evansville further stated that all the safety factors have been used in the design of the tower. Should the tower start to fall, the bending action of the tower will induce secondary failures along the mast. Consequently, the tower will not fall like a tree, but will bend along its length and fold to the ground.

Evansville does not anticipate the tower to cause any interference with broadcast or satellite television, radio, or any other consumer electronic equipment. However, Evansville acknowledged its responsibility to promptly eliminate any interference that results from the operation of its equipment.

On the issue of radiation emissions, Evansville stated that only radio frequency signals would be emitted by the antenna tower. These signals are classified as nonionizing radiation since they lack sufficient energy to chemically change other objects. The proposed cell facility is designed to comply with all government standards for radiation exposure at the ground level. While continuous exposure to radio frequency signals within a short distance of the top of the 198 foot tower is prohibited, no human contact will occur in that area. In addition, the tower site will be enclosed by a locked fence and monitored by an alarm to prevent climbing by unauthorized persons.

Evansville provided a map of the general vicinity of the proposed tower. The map indicates that there are numerous existing towers in relatively close proximity to the proposed tower. The proliferation of towers in this area lead Evansville to conclude that its proposed tower would not result in any diminution of property values.

The Commission, having considered the evidence of record and being advised, finds that Evansville should be granted authority to construct an additional cellular radio telecommunications antenna tower in the Owensboro MSA.

IT IS THEREFORE ORDERED that Evansville be and it hereby is granted a Certificate of Convenience and Necessity to construct and operate an additional cellular radio telecommunications antenna tower in the Owensboro MSA.

Done at Frankfort, Kentucky, this 23rd day of July, 1990.

PUBLIC SERVICE COMMISSION

Chairman

Robert M. Davis  
Vice Chairman

Jim Hamblin  
Commissioner

ATTEST:

Lee M. McCreath  
Executive Director